



**STATE OF HAWAII  
BOARD OF EDUCATION**  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

May 5, 2015

TO: BOE Student Achievement Committee

FROM: Nancy J. Budd

SUBJECT: Committee Action on Committee recommendation concerning New Board Policy 101.7,  
School Climate and Discipline

I am pleased to present a draft policy regarding School Climate and Discipline. This policy has been developed by a committee of stakeholders including:

- Judge Paul Murakami, Family Court Judge, First Judicial Circuit
- Justin Kollar, Kaua'i Prosecuting Attorney
- Jenny Lee, Staff attorney with Hawaii Appleseed Center
- LaVerne Bishop, Hale `Opio Executive Director
- Carol T. Matsuoka, Hawai'i Judiciary, Juvenile Detention Alternatives Initiative
- Jean Nakasato, Comprehensive Student Services Section, OCISS, Department of Education

The policy was also reviewed by:

- Gilbert Chun, OSFSS Auxiliary Services Branch Administrator, Department of Education
- Mark Behrens, OSFSS, Department of Education
- Tracy Okumura, Business Services Section, Department of Education

Creating and maintaining nurturing, positive and safe schools is necessary to student and staff success. How to accomplish this is a complex and challenging. It is a school-by-school, community-by-community challenge. It involves schools making deliberate efforts to set positive school climate goals and design discipline policies with clear, appropriate and consistently applied expectations and consequences. It also involves reducing out-of-school and out-of-class suspensions to maximize the opportunities to learn for all of our students. It is important to keep these students enrolled in school and strive to engage them.

The overuse of suspensions has tremendous costs:

- Research shows an association between higher suspension rates and lower school-wide academic achievement and standardized test scores.
- Suspended students may be unsupervised and cannot benefit from classroom teaching, mentoring and other professional support services offered at the school.
- Suspended students do not feel that they “belong” at school.
- Suspended students are less likely to graduate on time.
- Suspended students are more likely to drop out of school.
- Nationwide, there is growing concern that our students are moving out of our schools and into the criminal justice system, often as a result of out-of-school suspensions and arrests.
- Students who are suspended are often students with disabilities, and those facing other challenges in their lives.

The U.S. Department of Education and U. S. Department of Justice have issued a guidance package to assist states in addressing all of these issues. <http://www2.ed.gov/policy/gen/guid/school-discipline/postcard.pdf>. Proposed policy 101.7 is aligned with the recommendations contained in this guidance package.

I am attaching additional information and a memo prepared by the committee for your consideration.

**POLICY 101.7**  
**SCHOOL CLIMATE AND DISCIPLINE**

Schools shall identify school climate goals that complement the school's academic goals. School climate goals and action plans developed by each school community will identify practices that serve to create an environment where all members are respected, welcomed, supported, and feel safe in school: socially, emotionally, intellectually and physically. A critical component of a strong and positive climate is a school-wide discipline policy that honors the civil rights of our students, sets high expectations for behavior and provides clear, developmentally appropriate, and proportional consequences for misbehavior.

In view of the essential link between instructional time and academic achievement, schools shall strive to keep students in school and engaged in learning to the greatest extent possible. Schools should remove students from the classroom as a disciplinary consequence only as a last resort and only for appropriately serious infractions. Students who are removed from class shall be provided with meaningful academic instruction and behavioral supports. The administrator with discretion and authority to effect an off-campus suspension shall in every case, prior to such suspension and in addition to other factors required to be considered by law, balance the long-term best interests of the student against overall campus safety concerns. Such determination shall be documented in writing.

Should schools opt to use school-based law enforcement officers, schools shall provide clear definitions of the officers' roles and responsibilities on campus and document those expectations in a written agreement designed to avoid inappropriate student referrals to the justice system, violation of civil rights laws, and information exchanges that may violate student privacy rights. The role of the officer shall be primarily focused on safety and reducing inappropriate student referrals to law enforcement. Such officers shall not be involved in routine disciplinary matters. The Department shall provide training to such officers necessary and relevant to the SRO's role on campus, including adolescent brain development and school-wide discipline policies.

Policy Memo: School Climate and Discipline, Board of Education Proposed Policy 101.7

# School Climate and Discipline

## Board of Education Proposed Policy 101.7

### Background

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All students need to feel safe, supported, and respected to succeed in school—but first, they need to be in class. By adjusting approaches to school climate and discipline, schools can help some of their most at-risk students succeed.

Proposed Board of Education Policy 101.7 has several primary goals: 1) to create positive school climates by engaging schools in deliberate efforts to identify school climate goals; 2) to promote effective discipline and support practices to keep students in school and out of the court system; 3) to reduce and avoid criminalization of students; 4) to ensure that out-of-class suspension is a last resort and when used that the suspended student is provided meaningful academic instruction and behavioral supports regardless of the number of suspension days; 5) that the long-term best interests of the student be considered in every suspension decision; and 6) to clarify the roles and responsibilities of on-campus law enforcement officers.

Every year, thousands of public school students are suspended<sup>i</sup>, and suspension rates vary significantly among schools. Removal from the classroom, particularly out of school suspension, disrupts students' education and can take them off the path to educational achievement.

Many public school students are also arrested on our school campuses, often for offenses that were traditionally managed at the school level with developmentally appropriate and proportional consequences for misbehavior. As a result, many of our young students have a criminal record that will follow them as they leave school. This is often referred to as the “school-to-prison pipeline.”

Through partnerships with county police departments, several of our schools have an on-campus law enforcement presence. The presence of school resource officers (“SROs”) can be an asset to schools, but research in other districts has found an increase in campus arrests when SROs have been introduced. In Hawai`i, no formal agreements between county police and the Department of Education regarding roles, functions, hiring or training are currently in place. There is no training provided by the DOE to SROs. The line delineating the responsibility for student disciplinary action by school administrators versus on-campus law enforcement officers is often blurred.

The Board of Education currently lacks a policy dealing explicitly with school climate and discipline. Hawaii Administrative Rules Chapter 19 addresses behavioral expectations, student misconduct, and disciplinary actions and gives broad discretion to school administrators to effect off-campus suspensions. For certain offenses, the suspensions permitted under Chapter 19 range from 10 days or less for a crisis suspension to up to a full school year. This BOE policy will help inform the application of these rules, as well as any future revisions to Chapter 19.

## Goals of Policy

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This policy aims to keep students in class and out of the juvenile justice system by providing all students with a safe, positive learning environment that will support and encourage them to keep up with their peers and graduate ready to enter post-secondary schooling or the work force. To that end, the policy also seeks to avoid criminalization of students and limit out-of-school suspension for student infractions and to eliminate disparities in the application of school discipline.

## The need to reduce school exclusions

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Classroom removal, especially out-of-school suspension, often has seriously detrimental and lasting impact on students. Suspension increases a young person's probability of falling behind and both dropping out of school and becoming involved with the criminal justice system.<sup>ii</sup>

Students with behavioral issues frequently come from at-risk backgrounds. Suspended students are likely to be low-income, male, or receiving special education services. Schools strive to intervene and support these students by providing them with access to resources, but once students are out of school this opportunity for intervention can be lost. At the same time, off-campus suspensions often end up sending these students right back into the situations that led to their behavioral issues in the first place. Keeping kids in school gives these students the best chance to find the continuity and resources they will need to overcome these challenges.

Any disciplinary actions should take these consequences into account, and classroom removal should be a last resort. Prior to an off-campus suspension, the long-term best interests of the student must be balanced against overall campus safety concerns.

It is critical that these students receive meaningful instruction in an active learning environment and behavioral supports if it is determined that removal is necessary.

## School Resource Officers

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This policy also includes a provision to address the use of campus-based law enforcement officers, known as school resource officers (SROs). The role of an SRO in an educational setting is very different than in other law enforcement contexts. In the best case scenario, SROs can respond to emergencies and can address and prevent serious and immediate threats to the school and community. By contrast, school administrators have sole responsibility for maintaining order and handling routine disciplinary issues.

Currently in Hawai'i, no formal agreements between county police and the Department of Education regarding roles, functions, hiring or training are in place. Currently, all SROs are trained by their own county police department. A policy is needed to ensure that SROs know and understand the parameters of their role on campus and contribute to promoting a positive school climate for all students.

To ensure that school resource officers are used appropriately, the policy sets forth provisions to:

- Ensure SROs focus on safety and support, not criminalization of student behavior. Research in other school districts has found an increase in campus arrests when SROs have been introduced.
- Educators are responsible for routine disciplinary matters.
- Clearly define SROs' roles and responsibilities on campus, and document those expectations in a written agreement. These expectations include compliance with laws and policies regarding students' civil rights and privacy, as well as avoiding referrals to the juvenile justice system unless unavoidable.
- Provide appropriate training for SROs. Currently, informal SRO training is provided by county police departments and no training is provided by the DOE. This policy requires Department of Education training so that all SROs are properly prepared to work on campus. Training in adolescent development will further enhance the effectiveness of SROs on school campuses.

### Promoting a Positive School Climate

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Creating and maintaining safe and nurturing schools is challenging and complex. Redesigning school-specific positive climate goals and shifting away from exclusionary school discipline practices are critical to supporting global student success.

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<sup>i</sup> In year 2011-12, 7,115 students were suspended and 381 arrests were made on Hawaii public school campuses; in year 2012-13, 10,053 students were suspended for 15,762 offenses and 452 arrests for 785 offenses; and year 2013-14, 6,345 students were suspended and 383 arrests were made. A student may be counted twice if they were suspended multiple times. The greatest number of arrests were made for illicit drug and drug paraphernalia offenses. It is important that we collect and review better data. It is also important to evaluate the number of students who have been suspended out-of-school more than twice, especially for the same behavior.

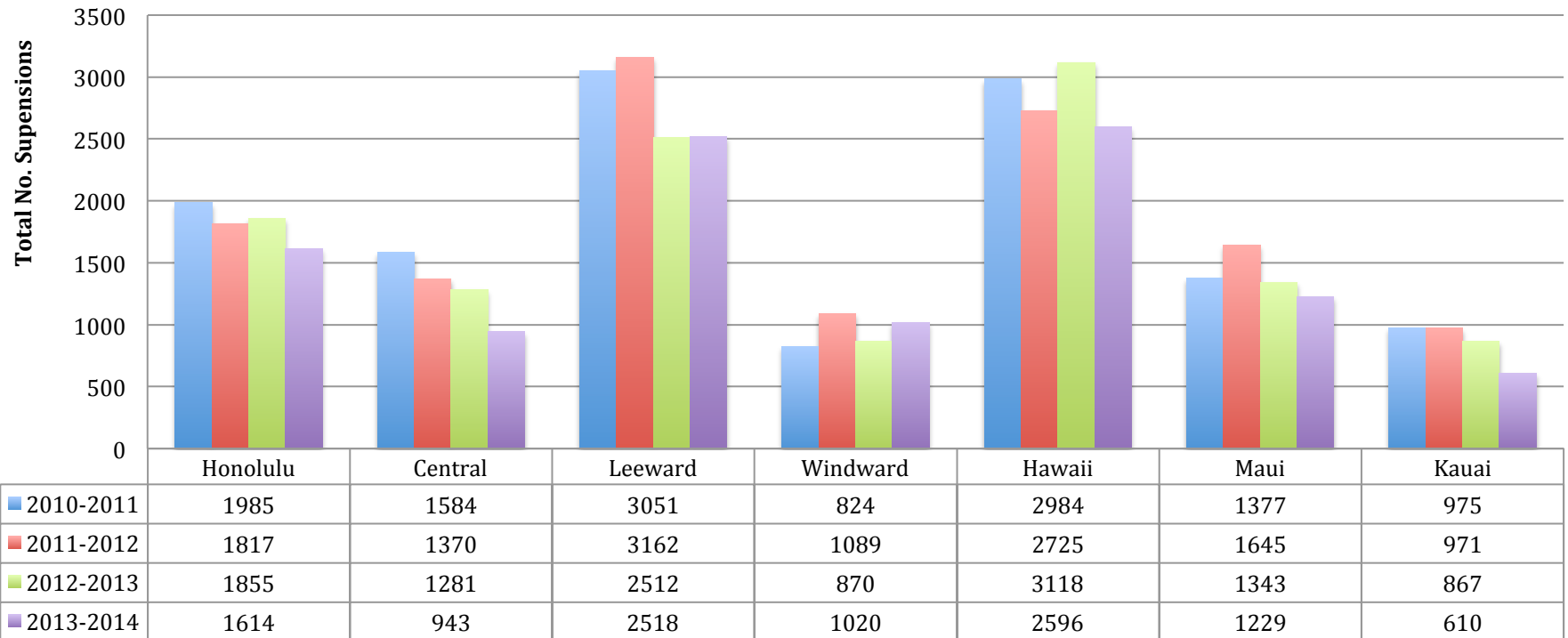
<sup>ii</sup> The 2011 report "Breaking Schools' Rules: A Statewide Study on How School Discipline Relates to Students' Success and Juvenile Justice Involvement" tracked nearly 1 million students and found that when a student was suspended or expelled, he or she was nearly three times more likely to be involved in the juvenile justice system the subsequent year. The Massachusetts Department of Education published a report highlighting dropout risk and the need for earlier interventions, citing "numerous suspensions" as among the leading indicators. (Vaznis, J 2010)

Hawaii Administrative Rules, Title 8, Chapter 19 Student Misconduct, Discipline, School Searches and  
Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism

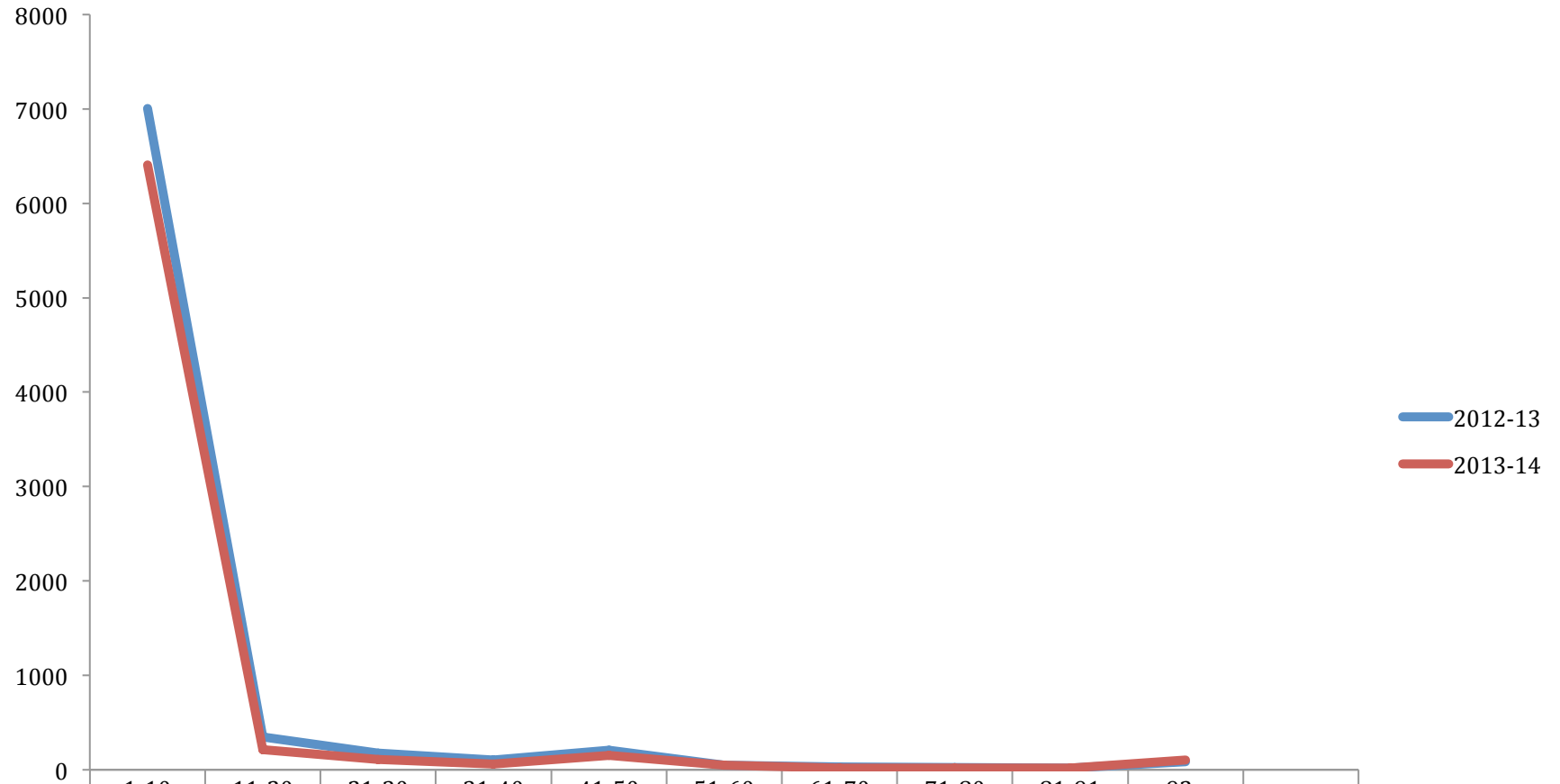
Statistics for School Years 2010-2014



## HAR Title 8 Chapter 19 Total No.of Suspensions For School Years 2010-2014



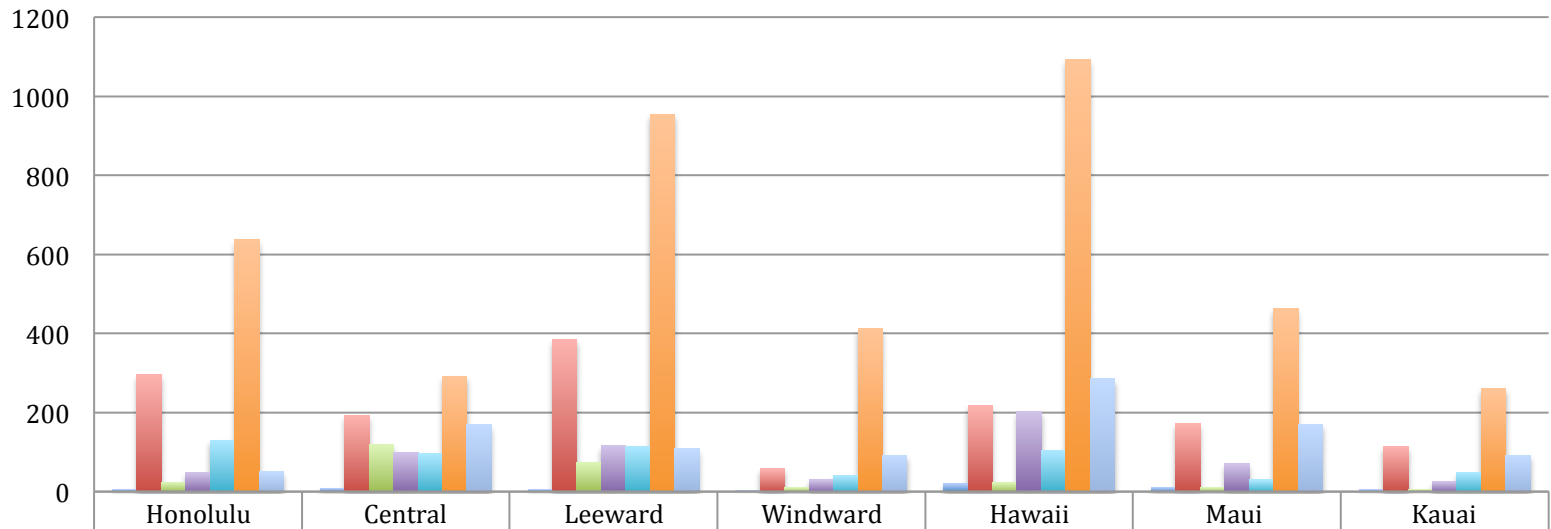
# HAR Title 8 Chapter 19 Suspensions by No. of Days SY 2012-2014



	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-91	92+	
2012-13	7007	350	174	102	210	50	28	27	18	87	
2013-14	6407	211	107	61	151	47	18	19	18	102	

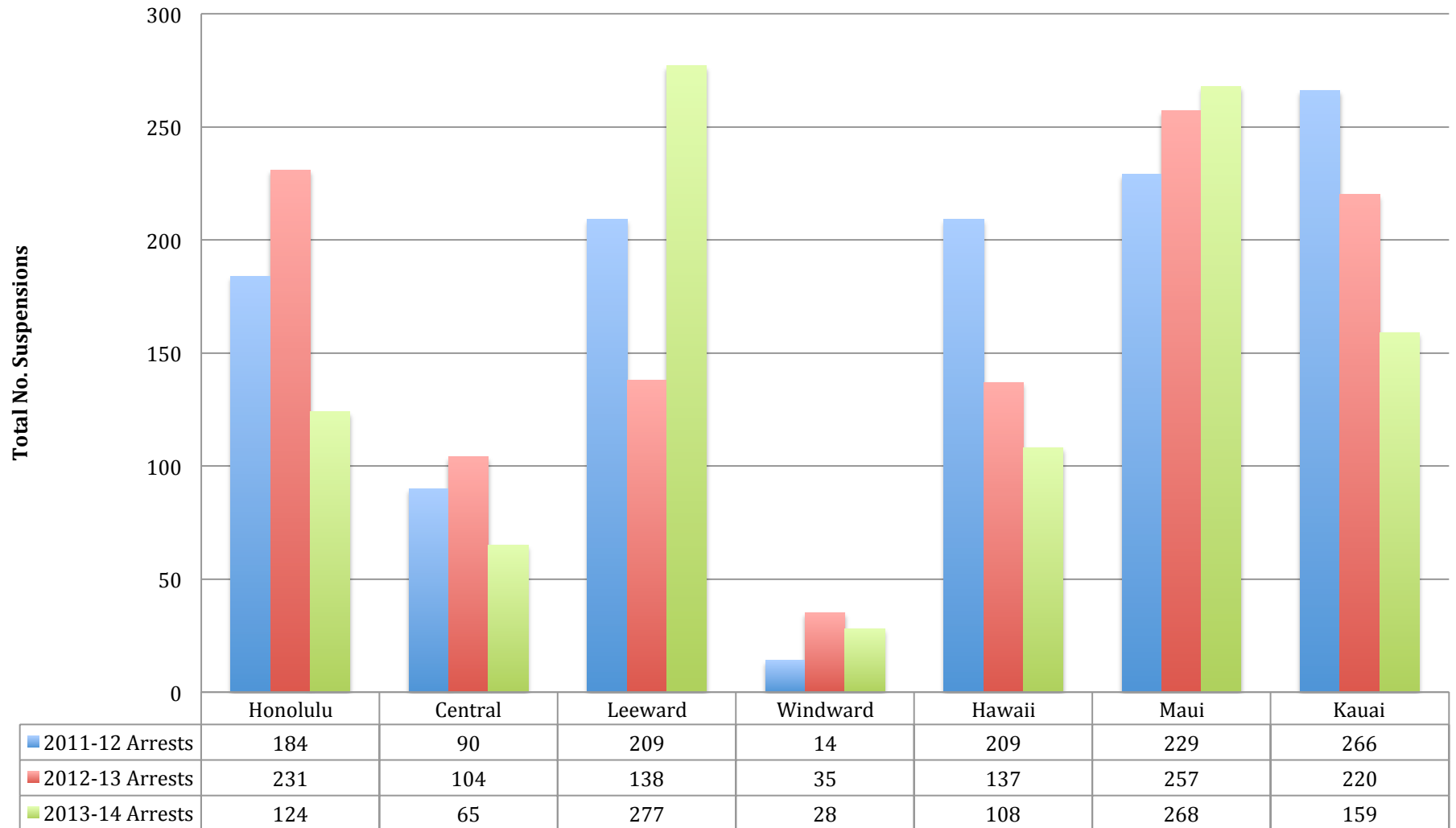
## HAR Title 8 Chapter 19 Suspensions By Ethnicity School Year 2013-14

Total No. Students with Suspensions



Am Indian/Alaska Nt	6	9	6	3	20	11	5
Asian	296	193	384	58	217	173	115
Black	24	118	73	11	23	11	6
Hispanic	48	98	116	30	202	70	26
Multiple	130	96	114	41	104	30	48
Pac Islander	637	292	954	412	1094	463	261
White	50	169	108	91	285	170	91

## HAR Title 8 Chapter 19 Suspensions Leading to Arrests School Years 2010-2014



# HAR Title 8 Chapter 19 Arrests by Class Offenses SY 2013-14

